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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/820,589

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EXAMINER

UTAMA, ROBERT J

ART UNIT

PAPER NUMBER

3715

MAIL DATE

DELIVERY MODE

05/28/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/820,589	<b>Applicant(s)</b> DOLLINS ET AL.	
	<b>Examiner</b> ROBERT J. UTAMA	<b>Art Unit</b> 3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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**DETAILED ACTION**

1. In view of the appeal filed on 02/17/2009, PROSECUTION IS HEREBY REOPENED.

New grounds of rejection are set forth below. To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/XUAN M. THAI/

Supervisory Patent Examiner, Art Unit 3715

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-3 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 1-3 set forth a limitation of an integrated tool and application system that can be interpreted as computer software (see specification page 6) that is not embodied in a computer readable medium. Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d

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at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 2 set forth the limitation of "action scenario wherein action scenario includes cross functional from the process scenario to a supplementary action". The specification do not provide a teaching how one of ordinary skilled in the art can relate the cross function scenario, process function and supplementary function in order to create the action scenario.

6. Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 3 set forth the limitation of having an option of "... selecting process function categories or related supplementary function categories." The specification provided do not provide teaching how one of ordinary skilled in the art can make or create "process function categories" and "supplementary function categories."

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7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 2-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 2 set forth the limitation of a task scenario and action scenario. The applicant further define the action scenario as " ... cross functional scenario from the process function and being outside the process function task." The current specification and disclosure fails to provide a definition of the cross functional scenario, the supplementary function and the process function task. As such the examiner is unable to determine either of these limitations, what is included in the supplementary function and what is outside the processes function task. Furthermore, the examiner also takes the position that it is unclear from the specification and claim language what constitute an "action scenario". The specification only provides a scant mention of the action scenario and task scenario (see page specification page 10 and FIG. 8-9). As such the examiner can not determine what can be interpreted as an "action scenario" and "task scenario". Further clarification from the application on these matters would be appreciated.

10. Claim 3 set forth the limitation of "process function categories" and "supplementary function categories". The current specification and disclosure fails to provide a definition of the process function categories and the supplementary function categories. As such the examiner is unable to determine either of these limitations. Claim 3 also set forth the limitation of " ... application system being used to carry out business process defined by the business process...." This definition can be construed as a circular definition (being defined by itself) that renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention.

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***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. **Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Bertrand 6,023,691.**

**Claim 1:** The Bertrand reference provides a teaching of an integrated tool that integrates a business process and related training from which the business process is supported and task are completed (see 37:30-50) including a model of the business process wherein the business process includes stages defined by a series of roles and task linked to an application system being used to carry out the business process (see col. 38:15-50) and defined by an interface, content and scenario wherein the business process defines the progression of information by the series of roles and tasks (col. 38:25-50 “Journal Entries”, “close the book”); wherein the series of roles and tasks linked to the application system being used to carry out the business process is supported by guidance from the integrated tool wherein selected portions of the integrated tool are accessed during use of the application system to carry out the business process (see col. 42:35-50) wherein steps of the business process are identified and defined in the model and wherein a scenario provides instruction through the content which defines the roles and demonstrates the actions necessary to complete the tasks linked to the application system being used to carry out the business process through at least one of graphical, audio or textual materials via the interface (see col. 41:30-45).

**Claim 2:** The Bertrand reference provides a teaching of an integrated tool that integrates a business process and related training from which the business process is supported and task are completed (see 37:30-50) including a model of the business process wherein the business process includes stages defined by a series of roles and tasks linked to an application system

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being used to carry out the business process (see col. 38:15-50) and defined by an interface, content and scenarios wherein the business process defines the progression of information by the series of roles and tasks linked to an application system being used to carry out the business process (col. 38:25-50 “Journal Entries”, “close the book”); wherein the series of roles and tasks linked to the application system being used to carry out the business process is supported by guidance from the integrated tool wherein selected portions of the integrated tool are accessed during use of the application system to carry out the business process wherein steps of the business process are identified and defined in the model and wherein a scenario related to a process function provides instruction through the content which defines the roles and demonstrates the actions necessary to complete the process function tasks linked to the application system being used to carry out the business process through at least one of graphical, audio or textual materials via the interface (see col. 41:30-45).; the scenario including a task scenario and an action scenario wherein the action scenario includes a cross functional scenario from the process function to a supplementary function, the supplementary function supporting the process function and being outside the process function tasks (see col, 75:40-65).

**Claim 3:** The Bertrand reference provides a teaching of an integrated tool that integrates a business process and related training from which the business process is supported and task are completed (see 37:30-50) including a model of the business process wherein the business process includes stages defined by a series of roles and tasks linked to an application system being used to carry out the business process (see col. 38:15-50) wherein the series of roles and tasks linked to the application system being used to carry out business process is supported by guidance from the integrated tools to guide a learner thorough a task linked to the application system being used to carry out a business process to achieve a result required by the business process (col. 38:25-50 “Journal Entries”, “close the book”); wherein selection portions of the integrated tools are accessed during the application system to carry out the

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business process wherein steps of the business process are identified and defined in the models which provides the options of selection process function categories (see also col. 37:5-25) or related supplementary function categories wherein the process function categories each include a series of stages, the stage's role and task are linked to the application system being used to carry out the business processes defined by the business process and explained by the application system, a task scenario including an action scenario demonstrates action type required by the business process, the action scenario providing guidance through graphical, audio and textual mean (see col. 152:30-50).

### ***Response to Arguments***

13. Applicant's arguments with respect to claim 1-3 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. UTAMA whose telephone number is (571)272-1676. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. J. U./  
Examiner, Art Unit 3715

/XUAN M. THAI/  
Supervisory Patent Examiner, Art Unit 3715